IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 25364 of 2007(T)

PETITIONER:

SEETHI SAHIB CHARITABLE TRUST,
MUKKAM, KOZHIKODE DISTRICT, REPRESENTED BY
THE GENERAL SECRETARY K.P.SUBAIR.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENT:

UNIVERSITY OF CALICUT,
CALICUT UNIVERSITY P.O., REPRESENTED BY
THE REGISTRAR.

BY ADV. SRI.P.C.SASIDHARAN, SC, CALICUT UTY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/10/2007 ALONG WITH WPC NO. 28303 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

ANTONY DOMINIC,J.

W.P (C) Nos. 25364 & 28303 of 2007

Dated this the 5th October, 2007

J U D G M E N T

The prayers made in these writ petitions are for directing the respondent University to nominate their representative for the selection of faculty/staff as required in Exhibit-P1. Petitioners have made consequential prayers also.

2. Petitioners in these cases are institutions to which conditional recognition has been granted by the NCTE and Exhibit-P1 in both the cases are the orders of recognition issued by the NCTE. Among the conditions, it is ordered that the institution shall undertake appointment of the faculty/staff by a duly constituted selection committee and ensure selection of candidates possessing qualifications as prescribed under the rules. It is also provided that the duly constituted selection committee means that a nominee of the affiliating body/University, subject expert of the affiliating body/university and a nominee of the State Government appointed by the affiliating University and the State Government respectively.

2. In pursuance to Exhibit-P1 orders NCTE, the petitioner submitted requests to the University to depute their representatives in order to proceed with the selection and to get unconditional order of recognition from the NCTE. According to the petitioners there has not been any progress in the matter and hence these writ petitions have been filed.

3. The University on the other hand has filed a counter affidavit, in which, it is stated inter alia, that the norms issued by the NCTE mandates that full time staff should be appointed on regular basis, having qualifications prescribed in the norms and standards through a reasonably wide advertisement and open selection on the basis of the recommendation of duly constituted selection committees, for commencing any course. It is also contended that in the colleges in both these cases have not complied with this requirement and hence there is no question of deputing their representatives at this stage.

4. In my view, the matter is governed by Exhibit-P1 and the NCTE regulations, appointments shall be made on the basis of the recommendation of the Selection Committee, the constitution of which has been mentioned in Ext. P1 itself. In

order to complete this process, petitioners have made applications as per Exhibit P2 in these cases . Since the matter is governed by the NCTE Regulations, there is no question of any further scrutiny by the University. Once a request has been made by the colleges concerned to depute their representatives, it is the obligation of the University to depute their representative, as otherwise, by their refusal, the University can make effective the recognition granted by the NCTE. However, if there is any violation of any of the NCTE regulations, it is always open to that authority to take remedial action. Therefore, I do not find any justification in the stand of the University.

Accordingly, I dispose of this writ petition directing the respondents to nominate their representatives for the selection of faculty/staff pursuant to Exhibit-P2, as expeditiously as possible at any rate, within six weeks from the date of receipt of a copy of this judgment.

The writ petitions are disposed of as above.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007